

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13642, of Edna Wilson Macomb, pursuant to Article 46 of the Zoning Regulations, for approval under Section 4603 to use the subject premises as a Chancery for the Republic of Cape Verde in a D/R-1-B District at the premises 3415 Massachusetts Avenue, N.W., (Square 1939, Lots 34, 23 and 24).

HEARING DATE: November 23, 1981  
DECISION DATE: December 2, 1981

FINDINGS OF FACT

1. At the public meeting of October 7, 1981, the Board granted the applicant's motion for an expedited hearing of the application.

2. The subject site is located on the north side of Massachusetts Avenue at its intersection with 34th Place. It is known as premises 3415 Massachusetts Avenue, N.W. There is approximately 194 feet of frontage on Massachusetts Avenue. The site is in a D/R-1-B District.

3. The site is approximately 23,036.81 square feet in land area. The site is developed with a three story brick dwelling containing seventeen rooms and a brick detached one-car garage. Both structures were built in 1912. Access to the site is from Massachusetts Avenue via a fourteen foot wide driveway. The existing residential structure has a useable floor area of 6,502.4 square feet. The subject property has been in continuous use as a single family residence since its construction.

4. Immediately adjacent to the western boundary of the subject site is the Bangladesh Chancery. The Nepalese Embassy and Chancery are directly north of the site, separated from the subject site by an alley. The Norwegian Embassy and Chancery and the Apostolic Legation are one block east of the site, and the Liberian Embassy is one block west of the subject site. The site is also directly across the street from the grounds of the official residence of the Vice-President of the United States. The site is within a D/R-1-B District, which is drawn to include the properties fronting on Massachusetts Avenue between 34th and 35th Streets, as well as a few properties fronting on 34th Street. East of this District is a D/R-1-A District. North, south and west of the subject site the land is zoned R-1-B.

5. The applicant seeks approval to establish a chancery for the eleven officers and staff who conduct the economic development, political, cultural and press activities of the diplomatic mission of the Republic of Cape Verde. The Cape Verde Chancery now operates, and will operate on a 9:00 A.M. to 5:00 P.M., Monday through Friday schedule. On a typical day, no more than five automobiles will be used by the Chancery staff for commuting. Also, on a typical day, five persons visit the Chancery. These visits average one-half hour in duration. In addition to mail and newspaper deliveries, five diplomatic courier deliveries are made each day. No evening social functions are contemplated at the Chancery as the Republic of Cape Verde has recently acquired an Embassy residence in Maryland which is suitable for diplomatic entertaining. The Chancery does not use any communications equipment which requires the erection of antennas or similar structures.

6. The applicant's site plan envisions no alterations to the exterior facades of the residence and detached garage. The provision of twelve new parking spaces is proposed under the applicant's site plan. The new parking spaces will be provided at the rear of the subject site on the land adjacent to the residence. The parking spaces will be screened from all street frontages by five foot high, evergreen hedges and by the retention of all existing trees on the site. Ingress to and egress from the parking spaces will be provided by a twenty-four foot wide driveway from Massachusetts Avenue. The applicant proposes to restrict left turns onto Massachusetts Avenue from the parking area between the hours of 4:00 P.M. and 6:00 P.M., by means of a "No Left Turn" sign. The proposed parking area will be lighted at night by low intensity light fixtures on thirty-nine inch tall standards. Site drainage will be effected by a proposed catch basin in the northeast corner of the parking area. The catch basin will drain directly into the existing storm sewer in the alley behind the subject property.

7. The property is located in a D/R-1-B District which permits the location of chancery facilities if the requirements of Section 4603 of the Zoning Regulations are met.

8. The height of the tallest structure on the site, the residence, is thirty-three feet.

9. The applicant has filed a subdivision plat combining Lots 23, 24 and 34 in Square 1939 into one record lot. The existing residence and garage have a building foot print of approximately 3,380.27 square feet. The structures occupy about fourteen percent of the combined lot.

10. The proposed Chancery facility will utilize a floor area of approximately 6,502.40 square feet for a floor area ratio of 0.283.

11. The proposed site plan retains the existing 115.5 foot north side yard, the 22.5 foot south side yard and fifty-one foot rear yard. Currently no front yard is required or provided. The 247.4 foot lot frontage will be retained.

12. Access to the subject site is by Massachusetts Avenue, 34th Place, and N-2, N-4 and N-6 Metrobuses. Massachusetts Avenue is a four lane northwest-southeast major arterial roadway which serves as a major commuter route for trips to and from Washington's business districts. The posted speed limit is thirty miles per hour. Parking on Massachusetts Avenue is prohibited between 8:00 a.m. and 4:00 p.m. with "No Standing" between 4:00 p.m. and 6:30 p.m. Massachusetts Avenue is signalized at 35th Street, N.W. in the vicinity of the site. Thirty-fourth Place is a two-lane north-south local street in the vicinity of the site. It connects Massachusetts Avenue to Garfield Street. There are "Stop" sign controlled intersections at Massachusetts Avenue, Fulton Street and Garfield Street. There is a two hour parking limit between 7:00 a.m. and 6:30 p.m. for all motorists except zone three permit holders.

13. Peak hour traffic conditions are at acceptable levels of service at all nearby intersections in the vicinity of the site with the exception of Massachusetts Avenue and 34th Street, N.W. during the A.M. peak hour. Since the proposed Chancery will generate fewer than ten vehicles during the A.M. and P.M. peak hours, site-generated traffic will have no effect on the levels of service at these intersections.

14. In preparing the site plan, the applicant conferred with the Office of Planning and Development, the National Capital Planning Commission and Advisory Neighborhood Commission 3C. Many of the suggestions made during these discussions were incorporated into the site plan.

15. The Office of Planning and Development, by reports dated November 18 and November 30, 1981, and through testimony at the public hearing, recommended that the application be approved with conditions. The OPD reported that the architecture of the subject structure is characteristic of several buildings in the area and no exterior alterations are planned. The parking spaces would be set back about fifty feet from the property line and surrounded by hedges. The major trees on the property would be saved. The driveway would be widened to twenty-four feet and would accommodate two-way traffic. Accordingly, the

OPD found that the applicant complies with Paragraph 4603.21 of the Zoning Regulations in that the architectural design and the arrangement of all structures and off-street parking spaces are in keeping with the character of the neighborhood. The OPD found that the structure conforms to the height, area and bulk requirements of Article 46 of the Zoning Regulations. The OPD further found that the thirteen parking spaces would be adequate to handle the vehicles expected to be used by chancery officials and staff on an average day, as well as the anticipated visitors per day. The design of the driveway and the parking area would allow for automobiles to turn around on the site and thereby exit safely. The OPD reported that the Department of Transportation was consulted on this application and the DOT was of the opinion that ingress and egress from Massachusetts Avenue would be superior to use of the alley to the rear of the property for that purpose. The OPD reported that the proposed Chancery at this location would be consistent with the intent of the Zoning Regulations. It would also be consistent with the Foreign Missions Element of the Comprehensive Plan in two important respects: The site is along an arterial street, and the site is well served by public transportation. The OPD found that the use of this site for a chancery presents little potential for adverse effect on the neighborhood. The site plan provides for the use of only Massachusetts Avenue for vehicular access to the site, and thus prevents chancery-related traffic off of Massachusetts Avenue in the residential neighborhood. The site plan would allow for the retention of the site in its residential appearance as no exterior alterations are contemplated, and the addition of parking on the site would be accompanied by landscaping to shield it from view. The quantity of parking proposed would be sufficient, except in rare circumstances, to prevent parking on the adjoining residential streets. The OPD recommended approval of the application with three conditions: that landscaping completely screen vehicles parking in the parking lot from view from Massachusetts Avenue; that the trees noted on the site plan be saved; and, that any trash area be completely screened from view. The Board concurs in the findings and recommendations of the OPD.

16. The National Capital Planning Commission ("NCPC"), by its report dated October 30, 1981 and at the public hearing, testified that the proposed Chancery is consistent with the Foreign Missions and International Agencies element of the Comprehensive Plan for the National Capital and is not adverse to the Federal Establishment and other Federal interests in the National Capital Region. The NCPC further found that the proposal is consistent with other sections of the Foreign Missions element such as the Goal, the Objectives and two specific criteria of the Plan that foreign missions should give preference to locations on designated special streets and places and be served by

public transit to reduce parking requirements. As a major element of the plan for the Federal City, Massachusetts Avenue is considered part of the special streets and places system of the National Capital. The criteria of locating at sites served by public transit is fully met as Massachusetts Avenue is a major bus route. The Board concurs in the findings of the NCPC.

17. The U.S. Department of State, by letter of November 18, 1981, and at the public hearing, recommended that the application be approved. The State Department reported that the approval of the proposed purchase would allow the Government of Cape Verde, which has leased space up to the present time, to establish a suitable permanent location for its chancery. The Department had reviewed the plans of the Government of Cape Verde and believed the proposal was sensitive to the concerns of the neighborhood. No alterations are contemplated to the exterior facade of the building on the property. Although the relatively small size of the Embassy minimizes any adverse impact on the neighborhood, the Government of Cape Verde has also completed detailed studies regarding traffic flow and parking of Embassy vehicles. The Department believed that the application complies with the comprehensive plan element of the National Capital Planning Commission and is consistent with the Zoning Regulations of the District of Columbia. The Board concurs.

18. Advisory Neighborhood Commission - 3C, by a unanimous resolution dated November 23, 1981, reported to the Board that although chanceries are not usually desirable in residential areas because they are office space, the ANC concurred with the proposed conversion of 3415 Massachusetts Avenue, N.W. to the Cape Verde Chancery since it is in a designated diplomatic district. The ANC recommended the following conditions:

1. The proposed plan stand as submitted for no more than twelve new parking spaces.
2. The building of the new parking lot should maintain the natural setting as much as possible. The six maple trees shown on the plan should be preserved.
3. The shrubs around the parking lot should effectively screen the view of the lot from adjacent residences which the ANC believed would require a minimum height of five feet. This need not apply to shrubs along the driveway as it would affect traffic safety.
4. The driveway should be no more than twenty feet wide to save the natural setting, rather than

twenty-four feet, so long as entrance and exit by two vehicles is possible.

5. The chancery must provide sufficient enclosed space to handle all trash.
6. The chancery will limit evening rush hour traffic from the driveway to right turn only.

The ANC also expressed concerns over the appropriateness of the drainage and lighting proposed for the parking area. The Board concurs in the ANC recommendation. The grant of this application, as conditioned, below, will embody the concerns of the ANC.

19. There was no opposition at the Public Hearing to the proposed plan. Two neighboring property owners expressed concern that the public area on which the site fronts be kept in greensward and that the parking area be visually screened from 34th Place, N.W. These concerns will be incorporated into the Board's grant of the application.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking relief under Article 46 of the Zoning Regulations which requires proof that the specific conditions pertaining to Chancery use as found in Section 4603 are met.

The Board concludes that the specific conditions of Section 4603 of the Zoning Regulations are met. Specifically, the Board concludes that the architectural design and arrangement of the structures and proposed off-street parking spaces are in keeping with the character of the neighborhood. The Board concludes that the thirty-three foot height of the tallest existing structure on the site is less than the forty foot height restriction of the underlying R-1-B District. The Board concludes that the subject property occupies about fourteen percent of the combined lot and therefore is well within the forty percent lot occupancy limitation of the underlying R-1-B District. No court is provided or required, and the minimum yard requirements are met. The Board concludes that, the subject property has an FAR of .29, below the maximum 1.5 FAR limitation. The Board concludes that the applicant's proposed thirteen parking spaces exceed the eight parking spaces required by the Zoning Regulations for the floor area to be devoted to chancery use and the number of parking spaces and the twenty-four foot wide access drive to be provided will provide more than adequate off-street parking and site access and will have no adverse impact on the site

or neighborhood. Also, the small number of site-generated trips will have no effect on nearby intersections. Further, the Board concludes that the subject property is well-served by public transportation. Thus, the Board concludes that the proposed chancery will not create dangerous or other objectionable traffic conditions.

The Board concludes that the project is consistent with the Foreign Missions Element of the Comprehensive Plan for the National Capital. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled.

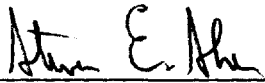
Accordingly, it is ORDERED that the application is GRANTD SUBJECT to the following CONDITIONS:

1. Approval shall be limited to occupancy of the premises by the Republic of Cape Verde.
2. The applicant shall provide twelve surface parking spaces plus one space in the garage, as shown on the plan marked as Exhibit No. 34 of the record.
3. The property shall be landscaped and screening provided in accordance with the landscape plan marked as Exhibit No. 44 of the record.
4. The chancery shall restrict egress from the parking lot during the afternoon peak hours by installing a sign, described on Exhibit No. 42A, in the location shown on the landscaping plan, Exhibit No. 44.
5. The drainage of the parking lot shall be as shown on Exhibit No. 34 of the record.
6. Lighting for the parking lot shall be as described on Exhibit No. 37 and located as shown on Exhibit No. 34 of the record.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Walter B. Lewis and Connie Fortune to GRANT; Douglas J. Patton to GRANT by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: JAN 28 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.